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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON (PORTLAND)

**COLUMBIA SPORTSWEAR NORTH  
AMERICA, INC.**, an Oregon corporation,

Plaintiff,

v.

**CERF BROTHERS BAG CO.**, a Missouri  
corporation,

Defendant.

Case No. 3:05-CV-1960-PK

**STIPULATED TEMPORARY  
RESTRAINING ORDER**

Plaintiff Columbia Sportswear North America, Inc. ("Columbia") has moved this Court for a Temporary Restraining Order ("TRO") against defendant Cerf Brothers Bag Co. ("Cerf Brothers" or "defendant"). Defendant has agreed to the entry of the TRO set forth herein, provided such order is not construed as any admission of fact, law or liability by defendant, including any of the elements that would be otherwise necessary for the entry of a TRO or a preliminary injunction. Based on this stipulation of the parties, the Court orders as follows:

**DEFINITIONS**

1. For purposes of this Order, "Formerly Licensed Articles" shall mean "adventure bags" made of fabric, specifically, duffle bags (wheeled and non-wheeled); cargo bags;

rucksacks; travel bags; tote bags; toiletry bags; utility bags; pouches; backpacks; courier packs; waist packs; organizers; agendas; wallets; cellular phone cases; camera cases and attaché cases, and their packaging or component parts, bearing the "Columbia Marks," as defined herein.

2. For purposes of this Order, the "Columbia Marks" shall refer to and be defined to consist of the following four marks:

a. The "Columbia Sportswear Logo" mark:



a registered trademark with registration numbers U.S. Reg. No. 2,117,710 and U.S. Reg. No. 3,126,131.

b. The "Columbia Sportswear Company" mark:

Columbia Sportswear Company

a registered trademark with registration numbers U.S. Reg. No. 1,975,556 and U.S. Reg. No. 2,735,091.

c. The "Columbia Logo" mark:



a registered trademark with registration number U.S. Reg. No. 2,248,491.

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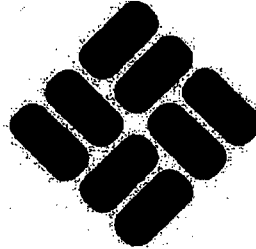
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d. The "Diamond Logo" mark:



a registered trademark with registration number U.S. Reg. 3,089,886.

**ACTS RESTRAINED AND PROHIBITED**

1. Cerf Brothers and its officers, agents, servants, employees, successors, assigns, and independent sales representative hereby are restrained and prohibited from using any of the Columbia Marks, as defined herein, in connection with the sale, marketing, or promotion of any Formerly Licensed Articles. Cerf Brothers agrees that it, Messrs. Michelson and Harrison, and Cerf Brothers' independent sales representative have notice of this order and that further notice to any of them is not required.

2. Cerf Brothers and its officers, agents, servants, employees, successors, assigns, and independent sales representative hereby are restrained and prohibited from selling or offering for sale any Formerly Licensed Articles that contain, include, bear, incorporate or otherwise use or have affixed to them any of the Columbia Marks, as defined herein. Cerf Brothers agrees that it, Messrs. Michelson and Harrison, and Cerf Brothers' independent sales representative have notice of this order and that further notice to any of them is not required.


**EXPIRATION**

This Temporary Restraining Order expires upon the Court's ruling on plaintiff's motion for a preliminary injunction (Docket # 44), unless otherwise ordered by this Court.

**NO ADMISSION**

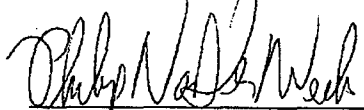
Because this Temporary Restraining Order is based on the stipulation of the parties, the Court makes no findings of fact or conclusions of law. Nothing in this Stipulated Temporary Restraining Order shall be construed as any admission by defendant of fact, law or liability or any admission as to any of the elements necessary for preliminary injunctive relief by the plaintiff.

THIS ORDER IS ISSUED AS OF Sept 1, 2006 BY:

  
United States Magistrate Judge,  
exercising the authority granted under  
28 USC 636(c) pursuant to F.R.Civ.P. 73,  
LR 73.1 and consent of the parties

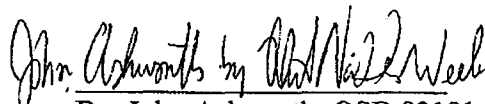
The foregoing order is stipulated and agreed to by the parties, by and through their respective counsel of record:

Preston Gates Ellis LLP



By: Philip Van Der Weele OSB 86365  
Attorneys for Plaintiff  
Columbia Sportswear North America, Inc.

Bullivant Houser Bailey PC



By: John Ashworth OSB 82181  
Attorneys for Defendant  
Cerf Brothers Bag Co.

with  
written  
permission

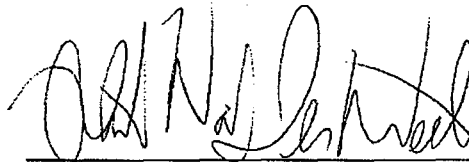
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of STIPULATED TEMPORARY  
RESTRAINING ORDER was served upon the individuals listed below on this 31<sup>st</sup> day of  
August 2006 via the court's CM/ECF system to:

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Attorneys for Defendant

DATED: August 31, 2006.



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